

REMARKS

Claims 9 and 17-52 were pending in the application.

Claim 35 was allowed.

Claims 18-24, 26, 27, 30, 31, 33, 34, 41, and 45-52 were objected to.

Claims 9, 17, 25, 28, 32, 36-38, 40, 42, and 44 were rejected.

Claims 30, 39, 41, 43, and 45 have been canceled.

Claims 9, 31, 34, 38, and 40 have been amended.

Claims 53-69 have been added.

Reconsideration and allowance of claims 9 and 17-29, 31-38, 40, 42, 44, and 46-69 is respectfully requested in view of the following.

The Rejection of Claims 9, 17, 25, 28, 32, 36-38, 40, 42, and 44 in view of Coffman:

Claims 9, 17, 25, 28, 32, 36-38, 40, 42, and 44 were rejected under 35 USC § 102(b) as being anticipated by Coffman (US 5,662,180). The Applicant respectfully disagrees.

Claim 9 has been amended to present the subject matter of claim 30 in independent form and thereby now requires: "the first piston comprises an expansion device for radially expanding and plastically deforming a tubular member." As noted by the examiner in objecting to the claimed subject matter of claim 30, Coffman does not disclose or suggest this feature. Thus, Coffman does not disclose or suggest the invention of claim 9. Furthermore, for at least the same reasons, Coffman also does not disclose the subject matter of claims 17, 25, 28, 32, 36, and 37, that depend from claim 9.

Claim 38 has been amended to present the subject matter of claim 39 in independent form and thereby now requires: "the first piston comprises an expansion device for radially expanding and plastically deforming a tubular member." As noted by the examiner in objecting to the claimed subject matter of claim 39, Coffman does not disclose or suggest this feature. Thus, Coffman does not disclose or suggest the

invention of claim 38.

Claim 40 has been amended to present the subject matter of claim 41 in independent form and thereby now requires: "the first piston comprises an expansion device for radially expanding and plastically deforming a tubular member." As noted by the examiner in objecting to the claimed subject matter of claim 40, Coffman does not disclose or suggest this feature. Thus, Coffman does not disclose or suggest the invention of claim 40. Furthermore, for at least the same reasons, Coffman also does not disclose the subject matter of claims 42 and 44, that depend from claim 40.

Claim 35:

The Applicant notes with appreciation the indication of allowable subject matter for claim 35.

New Claims 53-69:

New claims 53-69 present the subject matter of claims 18-24, 26, 27, 33, and 46-52, respectively, in independent form. As indicated by the examiner, the subject matter of claims 18-24, 26, 27, 33, and 46-52 is not disclosed or suggested by the prior art of record. Accordingly, claims 53-69 present allowable subject matter.

Unless stated otherwise, none of the amendment to the claims were made for reasons substantially related to the statutory requirements for patentability.

Furthermore, unless stated otherwise, the amendment to the claims were made to simply make express what had been implicit in the claims as originally worded and therefore is not a narrowing amendment that would create any type of prosecution history estoppel. In addition, to the extent that formerly dependent claims have been presented in independent form, such amendments do not in any way change the scope of the claims or limit the range of equivalents for such claims.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are drawn to novel subject matter, patentably distinguishable over the prior art of record. The Examiner is therefore respectfully requested to reconsider and allow claims presented for reconsideration herein. To the extent that the present amendment results in additional fees, the Applicant authorizes the Commissioner to charge deposit account no. 08-1394.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

S/N 10/076,659

Respectfully submitted,

Dated: _____

11/29/04

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